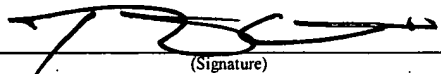




IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gil G. DUDKIEWICZ et al.
Title: SYSTEM AND METHOD FOR
PROVIDING TIMING DATA FOR
PROGRAMMING EVENTS
Application No.: 09/992,882
Filing Date: 16 November 2001
Examiner: J. SALCE
Art Unit: 2611

CERTIFICATE OF EXPRESS MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 830406298 US	June 7, 2006
Ruthie Vallejo (Printed Name)	
 (Signature)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request a pre-appeal brief review of the rejections in this application.

Brief Overview Of The Claims

The application has four independent claims (1, 13, 50 and 61). All independent claims are rejected as obvious over the combination of Van Thong (U.S. 6,505,153) and Henmi (U.S. 5,390,027).

All claims are directed to systems that determine individual segments within a television program (*e.g.*, individual stories in a news program). The determination is made based on processing of rundown data obtained from the system used to produce the television program. Data indicating the beginnings of the individual segments is provide to the viewer, either in closed caption data (claims 1-2, 5-12,

13-14 and 17-24), or in the broadcast signal (claims 50-51, 54-60, 61-62 and 65-71).

Issues For Which Review Is Requested

Applicants respectfully submit that the rejection should be withdrawn because of the following errors:

1) The absence in the prior art references of "rundown data."

This limitation is present in all independent claims.

A "rundown" is information used in the production of television programs, such as news programs. An example of a rundown is shown in Figure 4 of the application. Paragraph [0062] of the states that the rundown of Figure 4 "provides a duration and ending time of individual segments within a news broadcast."

The rejection equates rundown data with time-stamped audio employed in Van Thong. Van Thong's time-stamped audio 21 is simply an audio data stream that includes timestamps that enable Van Thong's system to roughly align the typing of a human transcriber with the actual audio being transcribed. See Van Thong at col. 3, lines 25-43; col. 4, lines 22-46. Thus Van Thong does not teach the rundown data required by the claims.

2) The absence in the prior art references of "processing ... rundown data to define individual segments of [a] television program"

This limitation is present in all independent claims.

The application defines individual segments of a television program in paragraph [0055] as follows:

For purposes of this description, a program comprises one or more *"program segments" that pertain to different subjects and therefore can stand on their own as complete or individual viewing experiences*. Examples of programs that typically consist of a single programming segment are movies, sit-coms, and sporting events. *Examples of programs that are typically comprised of multiple program segments are news broadcasts,*

news magazine shows that present multiple feature stories, sports highlight shows, music video shows, informational shows, home shopping shows, and variety shows. (Emphasis added).

The rejection cites Van Thong as defining individual segments of a program, referring to col. 4, lines 52-54. The cited portion actually describes providing a rough alignment between a typed transcript and the time stamped audio stream:

Time Event Tracker Module 23

This module 23 automatically links operator text (transcription) input 25 with the time-stamped audio stream 21 output from speech rate control 19. This linking results in a rough alignment 27 between the transcript text and the original audio 13 or video recording.

Elsewhere Van Thong uses the term segments, but not in the manner of the present application. At col. 3, lines 17-24 and at col. 3, line 56 – col. 4, line 15, Van Thong describes an “audio classifier module 15” that “segments or otherwise sorts the audio input 13 into working parts that contain spoken words.” Van Thong explains that the audio classifier module 15 is

trained to recognize broad classes of audio including silence, music, particular sounds, and spoken words. The output audio speech 17 is a sequence of segments, where each segment is a piece of the source audio track 13 labeled with the class it belongs to.

Thus the purpose of Van Thong’s segmenter is to identify the parts of the audio that require transcription by the transcriber. This is unrelated to the definition of individual segments of a television program specified by the claims.

3) The absence in the prior art of “closed caption data comprising ... timing data provided at locations corresponding to beginnings of each of the individual segments of the television program.”

This limitation is present in independent claims 1 and 13.

The rejection cites Van Thong as teaching this feature, referring to col. 5, lines 36-39, col. 6, lines 4-52, and col. 5, lines 48-51. The cited portions describe an automated method for aligning closed caption text with an audio signal:

Cited portion	Quote
Col. 5, lines 36-39	“The closed caption segmenter module 33 receives as input the stream 31 of aligned text and the original audio track 13, and finds appropriate break points (silence, breathing, etc.) to segment the text into desired closed captions.”
Col. 6, lines 4-52	<p>“At a beginning step 101, segmenter 33 receives time aligned audio 31 and original audio 13. At step 103 segmenter 33 analyzes time aligned audio 31 and in particular reads time stamps from one word to another in time aligned audio 31. ...</p> <p>“From the original audio 13, segmenter 33 detects pauses acoustically at step 105. ...</p> <p>“Of the detected pauses from steps 103 and 105, segmenter 33 may find common pauses (at the same time marks). These have a greater possibility, than the other detected pauses, of indicating the end of a sentence. To further verify validity of this assumption (that the pause is at the end of a sentence), segmenter 33 applies (at step 107) natural language rules to the words surrounding the pause. If the preceding word is an article such as "a" or "the", then the pause is not at the end of a sentence ...</p> <p>“Step 107 having defined the end of sentences (from the pauses of steps 103 and 105), segmenter 33 forms groups or units of words between such pauses/ends of sentences. These word groupings are effectively sentences and step 109 thus provides punctuation, capitalization and other sentence formatting and visual structuring.</p> <p>“The last step 111, provides the formed sentences in segments appropriate for closed captions according to the time stamps of time aligned audio 31 and the corresponding time marks of the playback of original audio 13. ...</p>
Col. 5, lines 48-51	“With reference to FIG. 4A, the output 31 of the realigner module 29 (FIG. 3) is time-stamped text. This timing information is useful to the segmentation process since the length of pauses between words gives an indication of where sentence breaks might be.”

Thus the cited art is not related to the feature for which it is cited.

4) The absence in the prior art of "a video signal ... comprising timing data indicating beginnings of the individual segments of the television program."

This limitation is present in independent claims 50 and 61.

The rejection of claims 50 and 61 refers back to the rejection of claim 1. Therefore it is assumed that this feature of claims 50 and 61 is rejected for the same reasons as applied to the closed caption data discussed above in section 3. Applicants again believe that the cited art is not related to the feature for which it is cited.

For these reasons it is respectfully requested that the rejections be withdrawn before proceeding to appeal briefing.

Respectfully submitted,

Date: 7 June 2006
FOLEY & LARDNER LLP
Customer No. 23392
2029 Century Park East, 35th Floor
Los Angeles, CA 90067
Telephone: (310) 277-2223
Facsimile: (310) 557-8475

By 

Ronald Coslick
Attorney for Applicant
Registration No. 36,489